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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Note by the Secretary-General

The Secretary-General has the honour to transmit herewith the twentieth report of the International Labour Organisation under article 18 of the International Covenant on Economic, Social and Cultural Rights, submitted in accordance with the Economic and Social Council resolution 1988 (LX).

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TABLE OF CONTENTS

Part I .....

Introduction 2

Part II .....

A. Principal ILO Conventions relevant to Articles 6-10 of the Covenant 3

B. Indications concerning the situation of individual countries 7

Situation concerning Articles 6-9, 10 and 13 of the Covenant

Algeria 7
Colombia 9
Dominican Republic ..... 11.
El Salvador 13
Guatemala 13
Guyana 14
Mauritius 15
Norway 16
Paraguay 18
Ukraine 19

Annex: Index of countries and of relevant information supplied by the ILO since 1978 21

PART I

Introduction

The present report has been established according to the arrangements approved by the Governing Body of the International Labour Office[1] to give effect to resolution 1988 (LX) of 11 May 1976 of the United Nations Economic and Social Council requesting specialised agencies to submit reports in accordance with Article 18 of the International Covenant on Economic, Social and Cultural Rights, on the progress made in achieving the observance of the provisions of the Covenant falling within the scope of their activities. According to these arrangements, the International Labour Office is entrusted with the task of communicating to the United Nations, for presentation to the Committee on Economic, Social and Cultural Rights, information on the results of the operation of various ILO supervisory procedures in the fields covered by the Covenant. It should remain open for the Committee of Experts on the Application of Conventions and Recommendations to report on particular situations whenever it deems this desirable or when specifically requested to do so by the Committee on Economic, Social and Cultural Rights.

The report will follow the approach adopted since 1985, and will contain in Part II: (a) indications concerning the principal ILO Conventions relevant to Articles 6-10 and 13 of the Covenant; and (b) indications concerning ratifications of these Conventions and comments made by ILO supervisory bodies with regard to the application of these Conventions by the States concerned (in so far as the points at issue appear to have a bearing also on the provisions of the Covenant). The latter indications are based mainly on the comments of the Committee of Experts resulting from its examination of the reports on the Conventions in question. Account was also taken of the conclusions and recommendations adopted under constitutional procedures for the examination of representations or complaints and, in the case of Article 8 of the Covenant, of the conclusions and recommendations of the Committee on Freedom of Association of the ILO Governing Body following examination of complaints alleging violation of trade union rights.[2]

The list of countries for which information has been provided in the present report appears in the table of contents. A recapitulatory list of States Parties to the Covenant and of ILO reports containing information concerning them will be found in the Annex.

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[1] Decisions of the Governing Body at its 201st Session (November 1976) and at its 236th Session (May 1987).

[2] Information on the procedures and machinery for the implementation of ILO standards, including the operation of its supervisory bodies, can be found in UN Action in the Field of Human Rights (United Nations publication, New York, 1988, Sales No. E.88.XIV.2), Chapter XIV, section D.1. Further information can be found in a document submitted to the World Conference on Human Rights, published as UN document A/CONF.157/PC/6/Add.3.

PART II

A. Principal ILO Conventions relevant to Articles 6-10 of the Covenant

The following is a list of the principal ILO Conventions relevant to each of Articles 6-10 and 13 of the Covenant.[3] Indications on the ratification of these Conventions by each State concerned are given in section B of this part (indications concerning the situation of individual countries).

Article 6 of the Covenant

Unemployment Convention, 1919 (No. 2)
Forced Labour Convention, 1930 (No. 29)
Fee-Charging Employment Agencies Convention, 1933 (No. 34)
Employment Service Convention, 1948 (No. 88)
Fee-Charging Employment Agencies Convention, 1949 (No. 96)
Abolition of Forced Labour Convention, 1957 (No. 105)
Indigenous and Tribal Populations Convention, 1957 (No. 107)
Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117)
Employment Policy Convention, 1964 (No. 122)
Paid Educational Leave Convention, 1974 (No. 140)
Human Resources Development Convention, 1975 (No. 142)
Workers with Family Responsibilities Convention, 1981 (No. 156)
Termination of Employment Convention, 1982 (No. 158)
Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)
Employment Promotion and Protection Against Unemployment Convention, 1988 (No. 168), Part II.
Indigenous and Tribal Peoples Convention, 1989 (No. 169)

Article 7 of the Covenant

Remuneration

Minimum Wage-Fixing Machinery Convention, 1928 (No. 26)
Minimum Wage-Fixing Machinery (Agriculture) Convention, 1951 (No. 99)
Minimum Wage-Fixing Machinery Convention, 1970 (No. 131)

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[3] There are, in addition, particularly for Articles 7 and 9, a number of Conventions dealing with corresponding matters in particular occupational sectors (e.g. road transport, seafarers, fishermen, dock workers, plantation workers, nursing personnel) or with particular categories of workers (e.g. migrant workers, workers in non-metropolitan territories). These Conventions are not included in the present list but are taken into account in the indications concerning the situation in individual countries.

Equal remuneration

Equal Remuneration Convention, 1951 (No. 100)

Rest, limitation of working hours and holidays with pay

Hours of Work (Industry) Convention, 1919 (No. 1)
Weekly Rest (Industry) Convention, 1921 (No. 14)
Hours of Work (Commerce and Offices) Convention, 1930 (No. 30)
Forty-Hour Week Convention, 1935 (No. 47)
Holidays with Pay Convention, 1936 (No. 52)
Holidays with Pay (Agriculture) Convention, 1952 (No. 101)
Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)
Holidays with Pay Convention (Revised), 1970 (No. 132)
Part-time Work Convention, 1994 (No. 175)

Safe and healthy working conditions

White Lead (Painting) Convention, 1921 (No. 13)
Marking of Weight (Packages Transported by Vessels) Convention, 1929 (No. 27)
Protection Against Accidents (Dockers) Convention, 1929 (No. 28)
Protection Against Accidents (Dockers) Convention, 1932 (No. 32)
Safety Provisions (Building) Convention, 1937 (No. 62)
Labour Inspection Convention, 1947 (No. 81)
Radiation Protection Convention, 1960 (No. 115)
Guarding of Machinery Convention, 1963 (No. 119)
Hygiene (Commerce and Offices) Convention, 1964 (No. 120)
Maximum Weight Convention, 1967 (No. 127)
Labour Inspection (Agriculture) Convention, 1969 (No. 129)
Benzene Convention, 1971 (No. 136)
Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148)
Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152)
Occupational Safety and Health Convention, 1981 (No. 155)
Occupational Health Services Convention, 1985 (No. 161)
Asbestos Convention, 1986 (No. 162)
Safety and Health in Construction Convention, 1988 (No. 167)
Chemicals Convention, 1990 (No. 170)
Night Work Convention, 1990 (No. 171)

Article 8 of the Covenant

Right of Association (Agriculture) Convention, 1921 (No. 11)

Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)
Right to Organize and Collective Bargaining Convention, 1949 (No. 98)
Workers' Representatives Convention, 1971 (No. 135)
Rural Workers' Organizations Convention, 1975 (No. 141)
Labour Relations (Public Service) Convention, 1978 (No. 151)
Collective Bargaining Convention, 1981 (No. 154)

Article 9 of the Covenant

Workmen's Compensation (Agriculture) Convention, 1921 (No. 12)
Workmen's Compensation (Accidents) Convention, 1925 (No. 17)
Workmen's Compensation (Occupational Diseases) Convention, 1925 (No. 18)
Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)
Sickness Insurance (Industry) Convention, 1927 (No. 24)
Sickness Insurance (Agriculture) Convention, 1927 (No. 25)
Old-Age Insurance (Industry, etc.) Convention, 1933 (No. 35)
Old-Age Insurance (Agriculture) Convention, 1933 (No. 36)
Invalidity Insurance (Industry, etc.) Convention, 1933 (No. 37)
Invalidity Insurance (Agriculture) Convention, 1933 (No. 38)
Survivors' Insurance (Industry, etc.) Convention, 1933 (No. 39)
Survivors' Insurance (Agriculture) Convention, 1933 (No. 40)
Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42)
Unemployment Provisions Convention, 1934 (No. 44)
Maintenance of Migrants' Pension Rights Convention, 1935 (No. 48)
Social Security (Minimum Standards) Convention, 1952 (No. 102)
Equality of Treatment (Social Security) Convention, 1962 (No. 118)
Employment Injury Benefits Convention, 1964 (No. 121)
Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128)
Medical Care and Sickness Benefits Convention, 1969 (No. 130)
Maintenance of Social Security Rights Convention, 1982 (No. 157)
Employment Promotion and Protection Against Unemployment, 1988 (No. 168)

Article 10 of the Covenant

(a) Maternity protection (re paragraph 2)

Maternity Protection Convention, 1919 (No. 3)
Maternity Protection Convention (Revised), 1952 (No. 103)

(b) Protection of children and young persons in relation to employment and work (re paragraph 3)

Minimum Age (Industry) Convention, 1919 (No. 5)
Minimum Age (Sea) Convention, 1920 (No. 7)

Minimum Age (Agriculture) Convention, 1921 (No. 10)
Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15)
Minimum Age (Non-Industrial Employment) Convention, 1932 (No. 33)
Minimum Age (Sea) Convention (Revised), 1936 (No. 58)
Minimum Age (Industry) Convention (Revised), 1937 (No. 59)
Minimum Age (Non-Industrial Employment) Convention (Revised), 1937 (No. 60)
Minimum Age (Fishermen) Convention, 1959 (No. 112)
Social Policy (Basic Aims and Standards) Convention, 1952 (No. 117)
Minimum Age (Underground Work) Convention, 1965 (No. 123)
Minimum Age Convention, 1973 (No. 138)
Night Work of Young Persons (Industry) Convention, 1919 (No. 6)
Night Work (Bakeries) Convention, 1925 (No. 20)
Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 79)
Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90)
White Lead (Painting) Convention, 1921 (No. 13) (Article 3)
Radiation Protection Convention, 1960 (No. 115) (Article 7)
Maximum Weight Convention, 1967 (No. 127) (Article 7)
Benzene Convention, 1971 (No. 136) (Article 11)
Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16)
Medical Examination (Seafarers) Convention, 1946 (No. 73)
Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77)
Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 78)
Medical Examination (Fishermen) Convention, 1959 (No. 113)
Medical Examination of Young Persons (Underground Work) Convention, 1965 (No. 124)

Article 13 of the Covenant

Human Resources Development Convention, 1975 (No. 142)

B. Indications concerning the situation of individual countries

For each Article of the Covenant under consideration, these indications show the state of the ratifications of the corresponding Conventions by the country in question, and references to the relevant comments of the supervisory bodies with regard to the application of these Conventions. Full copies of the comments of the Committee of Experts are appended (in English, French and Spanish), and should be consulted for further details.

The absence of any such references signifies either that there are no comments at the present time regarding the application of a particular Convention, or that the comments that have been made deal with points not relating to the provisions of the Covenant or to matters (for example, simple requests for information) which it would not appear to be necessary to deal with at this stage, or again that the government's reply concerning the application of a Convention on which comments had been made has not yet been examined by the Committee of Experts.

When references are made to the "observations" of the Committee of Experts, their texts are published in the report of the Committee for the same year (Report III (Part 4A) of the corresponding session of the International Labour Conference). In addition, comments have been formulated in requests for information addressed directly by the Committee of Experts to the governments in question; such comments are not published but the text is made available to the interested parties.

ALGERIA

Information concerning Algeria has not been supplied previously.

The following relevant Conventions have been ratified and are in force for Algeria (for full name see the list of Conventions in Part II A above): Conventions Nos. 3, 6, 11, 13, 14, 17, 18, 19, 24, 29, 32, 42, 44, 62, 73, 77, 78, 81, 87, 88, 96, 98, 99, 100, 101, 105, 111, 119, 122, 120, 127, 138 and 142.

Article 6

The Committee of Experts, at its March 1995 session, in the absence of a report from the Government on the Abolition of Forced Labour Convention, 1957 (No. 105), was obliged to repeat its previous observation and direct request, which centered on provisions concerning the right to association which could lead to sentences of imprisonment involving compulsory labour. Noting that, despite new legislation adopted in 1989 and 1990, discrepancies between the national law and the Convention persisted. It is hoped that the announced reform of the basic 1983 Order would ensure conformity and asked the Government to report on progress in this matter.

On the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), also in the absence of a Government response, the Committee of Experts repeated its previous observation and direct request, which centered on the absence of "religion" as a prohibited ground of discrimination in the national legislation.

On the Employment Policy Convention, 1964 (No. 122), again in the absence of a Government report, the Committee of Experts repeated its previous observation, which noted the increasing unemployment rate (17% in 1989; 21.1% in 1991) particularly among young persons. It asked the Government to supply any evaluation available of its job creation measures announced in 1992. It also asked for indications of consultation with, and involvement of, representatives of the persons affected by the measures.

Article 7

In 1993, the Committee of Experts' direct request noted, for the Minimum Wage-Fixing Machinery (Agriculture) Convention, 1951 (No. 99), with interest that the guaranteed national minimum wage (SNMG) is to be fixed after consultation with the most representative employers' and workers' organisations.

In 1995, a direct request on the Equal Pay Convention, 1951 (No. 100) asked for copies of wage scales and collective agreements, and for details on the national job classification method.

In 1995, in the absence of a report on the White Lead (Painting) Convention, 1921 (No. 13), the Committee of Experts repeated its previous observation concerning the draft legislation to the Convention, which had been submitted to the social partners for examination. It requested a copy of the text, once adopted.

In 1994, on the Protection Against Accidents (Dockers) Convention, 1932 (No. 32), the Committee of Experts' observation noted that a new text was intended by the Government to fill the lacunae concerning dock work in the principle Act No. 88-07. The Committee of Experts asked for a copy of the new text, and for copies of any internal regulations and collective agreements applying to port enterprises.

In 1993, on the Guarding of Machinery Convention, 1963 (No. 119), the Committee of Experts' observation noted with interest the adoption, in 1991, of a new Decree respecting general safety provisions. It, nevertheless, asked the Government to supply details on the definition of dangerous machinery, on the need for an explicit notice from vendors or hirers of dangerous machinery concerning their responsibility, and the need for an explicit ban on the use of machines the dangerous parts of which are not guarded.

In 1995, on the Maximum Weight Convention, 1967 (No. 127), the Committee of Experts' observation noted with satisfaction that the 1991 Decree on general safety provisions sets the maximum weight of loads as required by the Convention. It also asked for details on the technical devices referred to by the Government as improving working conditions and facilitating the manual transport of loads.

Article 8

In 1995, the Committee of Experts repeated its previous direct request on the Freedom of Association and the Protection of the Right to Organize Convention, 1948 (No. 87) (concerning the 1992 Decree combatting subversion and the 1990 Act , which bans strikes where they could results in a major economic crisis). It made a direct request under Convention No. 98 requesting information on court cases concerning challenges to collective agreements deemed to be inconsistent with the law or to impair the interests of third parties.

*

The Committee of Experts furthermore addressed direct requests to Algeria in 1992 on Convention No. 19, in 1993 on Conventions Nos. 99, 120, 138 and 142, and in 1995 on Conventions Nos. 6, 24 77, 78, 87, 94, 98, 100, 105 and 111.

COLOMBIA

Information concerning Colombia has been supplied on numerous previous occasions, most recently in 1992.

The following relevant Conventions have been ratified and are in force for Panama (for full names see the list of Conventions in Part II A above): 1, 2, 3, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 24, 25, 26, 29, 30, 52, 81, 87, 88, 98, 99, 100, 101, 105, 106, 111, 129, 136, 159, 167, 169 and 170.

Article 6

In its 1995 observation on the Forced Labour Convention, 1930 (No. 29), the Committee of Experts noted with satisfaction the adoption of the 1993 Prison and Penitentiary Code, which corrected the problem of compulsory labour extracted from detainees declared to be medically unfit. It asked for information on the supply of prison labour to private enterprises, and for a copy of the Code's regulations.

In 1995, on the Abolition of Forced Labour Convention, 1957 (No. 105), the Committee of Experts' observation also noted the new 1993 Prison Code and asked for information on the measures taken to ensure that prison labour arising out of conviction in the five cases set out in Convention No. 105 are clearly abolished, particularly following participation in strikes. It also asked for details on the practical application of the new Code and of the National Police Code.

In its 1993 observation on the Indigenous and Tribal Populations Convention, 1957 (No. 107), the Committee of Experts recalls that Colombia has ratified Convention No. 169 and that its first report is due on that Convention (for the November-December 1995 session); as the Government reported under Convention No. 107, the Committee of

Experts decided to hold over its review of the details supplied until the Convention No. 169 report arrives when it will examine all developments.

In its 1995 observation on the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Committee of Experts noted with satisfaction that, following technical assistance from the ILO, new legislation banning sex discrimination practices was adopted; it also noted with satisfaction a 1994 Constitutional Court decision clarifying which public service posts are subject to free appointment on political grounds, in conformity with the inherent requirements of those few posts.

Article 7

In its 1995 observation on the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26), the Committee of Experts noted the Government's reply to comments of the General Confederation of Labour, but asked for a copy of the Decree relied on by the Government, and information on how it is applied at local level.

In its 1995 observation on the Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106), the Committee of Experts noted with regret that Act No. 50 of 1990 contravenes the Convention's requirement of compulsory rest in certain cases. It asked to be kept informed of developments that would bring the national legislation into conformity with the Convention.

Article 8

In its 1995 observation on the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), the Committee of Experts noted with interest that some progress had been made towards amending the numerous provisions of the Labour Code and of certain Decrees concerning strikes in essential services. It asked to receive information on the adoption of legislation to remove the nationality requirements for the formation of unions and the occupational requirement for candidates for trade union office.

In its 1995 observation on the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), the Committee of Experts noted with satisfaction a 1993 Constitutional Court ruling declaring restrictions on trade union immunity contained in the Labour Code to be null and void. The Committee of Experts asked for any repealing text. The Committee of Experts noted with interest a Government statement regarding possible recourse to the technical cooperation of the ILO so as to improve the legislative conformity with the Convention.

In addition, three cases are pending before the Committee on Freedom of Association: No. 1761 concerning detention and murder of trade unionists, for which further observations are awaited from the Government; No. 1787 concerning murder of trade unionist and anti-union discrimination, for which further details are also requested from the Government; and No. 1836 concerning the refusal to register trade union

organizations and their bye-laws, as well as denial of recourse to dispute settlement procedures. No reply has, so far, been received from the Government on this latter case.

Article 9

In its 1995 observation on Convention No. 12, the Committee of Experts noted the new 1993 Social Security Act and implementing Decree of 1994; it asked for detailed information and statistics on the effective extension of the social security scheme to cover the whole national territory and all agricultural wage-earners covered by the Convention.

*

The Committee of Experts furthermore addressed direct requests to Colombia in 1992 on Convention No. 136; in 1993 on Conventions Nos. 3, 7 and 99; in 1994 on Conventions Nos. 5, 10, 26, 29 and 100; and in 1995 on Conventions Nos. 18, 29, 87, 88 and 98.

DOMINICAN REPUBLIC

Information concerning the Dominican Republic was supplied in 1990 and 1991.

The following relevant Conventions have been ratified and are in force for the Dominican Republic (for full names see list of Conventions in Part II A above): Nos. 1, 5, 7 , 10, 19, 26, 29, 52, 77, 79, 81, 87, 88, 90, 98, 100, 105, 106, 107, 111, 119, 159 and 171.

Article 6

In its 1995 observation under the Employment Service Convention, 1948 (No. 88), the Committee of Experts noted that the National Employment Commission remains inoperative and asked that the Government adopt practical measures to ensure its operation. The Committee of Experts hoped that the new 1991 Act on the Civil and Administrative Service will be extended so as to cover employment service staff. It also asked for statistics on the results of the public employment service.

In its 1995 observation under the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Committee of Experts referred to its comments on the enforcement of anti-discrimination legislation regarding sugar plantation workers of Haitian origin contained in its comments under Convention No. 105.

Article 7

In its 1995 observation on the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26), the Committee of Experts noted the comments of the Employers' Confederation of the Dominican Republic concerning a Bill to lead to an overall increase of 30% in wages and the Government's reply. The Committee of Experts asked the Government to indicate action taken on the Bill and to ensure that the social partners are consulted with regard to minimum wage-fixing.

In a 1994 observation on the Equal Remuneration Convention, 1951 (No. 100), the Committee of Experts noted with satisfaction the new Labour Code, adopted with ILO technical assistance, which applies the principles of the Convention to employers in certain small agricultural undertakings. It asked, however, how the concept of "work of equal value" is ensured in practice.

Article 8

In its 1995 observation under the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), the Committee of Experts noted with satisfaction that 1994 Public Service Regulations introduced protections against unlawful de-registration of public employees' associations. It noted with interest that the refusal of certain free trade zone enterprises to allow unions to be formed had ceased, but asked that a union be able to be registered in line with the recommendations of the CFA in Case No. 1751.

In its 1994 observation on the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), the Committee of Experts noted with satisfaction that the new Labour Code strengthened sanctions to anti-union discrimination and extended collective bargaining rights to sectors previously excluded from such rights. It also asked for measures to be taken to allow collective bargaining even in units where the association does not have an absolute majority.

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The Committee of Experts furthermore addressed direct requests to the Dominican Republic in 1994 on Conventions Nos. 29 and 100; and in 1995 on Conventions Nos. 26, 52, 87, 105, 106, 111 and 119.

EL SALVADOR

Information concerning El Salvador has not been supplied previously.

The following relevant Conventions have been ratified and are in force for El Salvador (for full names see the list of Conventions in Part II A above): 12, 29, 77, 78, 81, 88, 99, 105, 107, 111, 122, 129, 131, 141, 142 and 159.

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The Committee of Experts addressed a direct request to El Salvador in 1995 on Convention No. 107.

GUATEMALA

Information concerning Guatemala has not been supplied previously.

The following relevant Conventions have been ratified and are in force for Guatemala (for full names see list of Conventions in Part II A above): Nos. 1, 11, 13, 14, 16, 19, 26, 29, 30, 58, 59, 77, 78, 79, 81, 87, 88, 90, 96, 98, 99, 100, 101, 103, 105, 106, 111, 112, 113, 117, 118, 119, 120, 122, 124, 127, 129, 131, 138, 141, 156, 159, 161, 162 and 167.

Article 6

In its 1995 observation on the Abolition of Forced Labour Convention, 1957 (No. 105), the Committee of Experts, in the absence of a report from the Government, repeated its call for suppression of forced labour, including labour as a result of a conviction in a court of law in the cases set out in the Convention, and in particular requested amendment of the 1963 Legislative Decree and the Penal Code in this respect.

As concerns indigenous and tribal peoples, additional information will be supplied concerning ILO activities in relation to the Peace Accords.

Article 7

In its 1995 observation under the Maximum Weight Convention, 1967 (No. 127), the Committee of Experts hoped that regulations to be issued under the Labour Code would be adopted in the near future, and that necessary measures are taken to ensure compliance with the Convention, either through the draft Agreement concerning maximum loads to be carried, which is being discussed with the social partners, or any other method.

Article 8

In its 1995 observation on the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), the Committee of Experts, in the absence of the Government's report, was obliged to repeat is previous call for amendment to several provisions of the Labour Code which interfere with trade union office and the calling and conduct of strikes.

In its 1994 observation on the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), the Committee of Experts noted with satisfaction the strengthening of sanctions for anti-union discrimination in the Labour Code.

In addition, seven cases are pending before the Governing Body Committee of Freedom of Association: Cases Nos. 1512/1539 concern the detention or disappearance and death of trade unionists and interference in trade union activities; No. 1595 concerns dismissal of trade union leaders, anti-union discrimination and interference in trade union activities; No. 1740 concerns anti-union discrimination; No. 1778 concerns detention of trade unionists; No. 1786 concerns violations of collective bargaining rights; No. 1823 concerns denial of registration of a union; and No. 1847 concerns violence against trade unionists. A direct contacts mission was carried out from 13 to 17 February 1995 on these cases.

*

The Committee of Experts furthermore addressed direct requests to the Government in 1993 on Conventions Nos. 1 and 30, in 1994 on Conventions Nos. 26, 81, 88 and 99, and in 1995 on Conventions Nos. 11, 59, 100, 103, 111, 117, 124, 122, 131, 138 and 141.

GUYANA

Information concerning Guyana has not been supplied previously.

The following relevant Conventions have been ratified and are in force for Guyana (for full names see list of Conventions in Part II A above): Nos. 2, 5, 7, 10, 11, 12, 15, 19, 26, 29, 42, 81, 87, 98, 100, 105, 111, 115, 129, 131, 135, 136, 140, 141, 142 and 151.

Article 6

In its 1995 observation under the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) the Committee of Experts noted with interest the elimination of certain sex-based discrimination through the Equal Rights Act.

Article 7

In its 1995 observation under the Benzene Convention, 1971 (No. 136), the Committee of Experts noted the information provided by the Government on the measures taken to have specific legislation on benzene adopted, and asked to be kept informed on meetings with the social partners on this issue, and on the eventual adoption of specific measures.

Article 8

In its 1995 observation on the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), the Committee of Experts expressed the firm hope that legislation under consideration since 1979 will contain safeguards concerning certification for collective bargaining purposes, and will be adopted in the near future. It also asked that amendments to the Public Utility Arbitration Act, to limit compulsory arbitration in respect of strikes to strikes in essential services, will be made soon.

Article 9

In a 1995 observation on the Workmen's Compensation (Occupational Diseases) (Revised) Convention, 1934 (No. 42), the Committee of Experts noted that ILO technical assistance is being supplied to amend the list of occupational diseases to include a number of further diseases.

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The Committee of Experts furthermore addressed direct requests to Guyana in 1994 on Conventions Nos. 29, 81, 129 and 142, and in 1995 on Conventions Nos. 2, 100, 111, 131 and 151.

MAURITIUS

Information concerning Mauritius has not been supplied previously.

The following relevant Conventions have been ratified and are in force for Mauritius (for full names see list of Conventions in Part II A above): Nos. 2, 11, 14, 16, 17, 19, 26, 29, 32, 42, 81, 98, 99, 105 and 138.

Article 7

In its 1992 observation concerning the protection against Accidents (Dockers) (Revised) Convention, 1932 (No.32), the Committee of Experts noted with interest that a 1988 Act gave effect to certain safety provisions of the Convention, but reminded the Government of the need to introduce amendments to the 1937 Dock Regulations, and asked to be kept informed of progress in the adoption of new regulations.

Article 8

In its 1995 observation on the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), the Committee of Experts noted with interest the introduction in Parliament of a new Labour Relations Bill aimed at banning interference in unions, with strong sanctions; it asked to be kept informed of the adoption of the Bill and to have a copy of it once adopted.

Article 9

In its 1995 observation on the Workmen's Compensation (Accidents) Convention, 1925 (No. 17), the Committee of Experts regretted that amendments to apply fully the provisions of the Convention, mentioned by the Government since 1982, had still not been adopted; it asked the Government to report any progress in ensuring the full application of the Convention.

In its 1995 observation on the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19), the Committee of Experts noted with interest the Government's statement concerning coverage of foreign nationals without any condition as to residence, and expressed the hope that it would amend the 1978 national Pensions Order so as to comply with the Convention on this point.

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The Committee of Experts furthermore addressed direct requests to Mauritius in 1993 on Conventions Nos. 26 and 99, in 1994 on Conventions Nos. 42 and 81, and in 1995 on Conventions Nos. 14 and 138.

NORWAY

Information concerning Norway was supplied most recently in 1988.

The following relevant Conventions have been ratified and are in force for Norway (for full names see list of Conventions in Part II A above): Nos. 2, 11, 12, 13, 14,

16, 18, 19, 24, 25, 26, 27, 29, 30, 42, 47, 73, 81, 87, 88, 90, 96, 98, 100, 102, 105, 111, 113, 115, 118, 119, 120, 122, 128, 129, 130, 132, 135, 138, 141, 142, 148, 151, 152, 154, 155, 156, 159, 162, 167, 168, 169 and 170.

Article 6

In its 1995 observation on the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Committee of Experts noted with concern that no measures had been taken to comply with the 1983 recommendations of a committee set up under article 24 of the ILO Constitution to examine whether certain requirements relative to religious belief amounted to inherent requirements of the job, and asked the Government to inform it of any developments aimed at ensuring that the interpretation and application of the law in question complied with the requirements of the Convention.

In its 1995 observation on the Workers with Family Responsibilities Convention, 1981 (No. 156), the Committee of Experts noted with interest the recent amendments to the 1966 National Insurance Act aimed at easing the financial burden on workers with dependent family members.

In its 1995 observation on the Indigenous and Tribal Peoples Convention, 1989 (No. 169), the Committee of Experts noted with interest the opinion of the Council of the Sami Parliament of Norway on the application of the Convention, and warmly welcomed the dialogue and close cooperation shown by the Government with the Sami Parliament in reporting on the Convention.

Article 7

In its 1995 observation on the Equal Remuneration Convention, 1951 (No. 100), the Committee of Experts noted with interest the Government's detailed information on measures and studies under way to reduce occupational segregation, which had been identified as a major factor in the wage gap between men's and women's wages. It also welcomed the Bill to expand procedures for redress and to reverse the burden of proof in equal pay cases, and asked to be kept informed of its adoption.

Article 8

In its 1995 observation on the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), the Committee of Experts noted the comments of the Federation of Offshore Workers' Trade Unions and the Government's reply concerning the use of compulsory arbitration to avoid strikes. Noting that a Bill for new labour disputes Act was to be prepared, the Committee asked to be kept informed of developments.

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The Committee of Experts furthermore addressed direct requests to Norway in 1992 on Conventions Nos. 13, 96, 118 and 138, in 1993 on Convention No. 152, in 1994 on Conventions Nos. 81, 100, 148, 154 and 156, and in 1995 on Conventions Nos. 111, 130, 168 and 169.

PARAGUAY

Information concerning Paraguay has not been supplied previously.

The following relevant Conventions have been ratified and are in force for Paraguay (for full names see list of Conventions in Part II A above): Nos. 1, 11, 14, 26, 29, 30, 52, 59, 60, 77, 78, 79, 81, 87, 90, 98, 99, 100, 101, 105, 106, 111, 115, 117, 119, 120, 122, 123, 124, 159 and 169.

Article 6

In its 1995 observation on the Forced Labour Convention, 1930 (No. 29), the Committee of Experts noted that, regarding the situation of compulsory work under the Prison System Act which had been criticized for 20 years, the Government merely states that "there have been no changes in the situation". It hoped that the Government would not further postpone the taking of measures to ensure compliance with the Convention.

In its 1994 observation on the Indigenous and Tribal Populations Convention, 1957 (No. 107), the Committee of Experts noted that the Government had ratified the more recent Convention, No. 169, and was due to submit a report on that Convention at its next session. It accordingly decided to raise the most urgent issues in a direct request under Convention No. 107 and to examine the further information supplied when the Government's report on Convention No. 169 arrives.

Article 7

In its 1994 observation on the Hours of Work (Industry) Convention, 1919 (No. 1), the Committee of Experts noted with satisfaction that the new 1993 Labour Code repealed previously inconsistent provisions concerning the length of the normal working day.

In its 1994 observation on the Hours of Work (Commerce and Offices) Convention, 1930 (No. 30), the Committee of Experts made a cross reference to its observation on Convention No. 1, summarized above.

In its 1995 observation on the Minimum Wage-fixing Machinery Convention, 1928 (No. 26), the Committee of Experts noted that a representation under article 24 of the ILO Constitution had been lodged by the Latin American Central of Workers (CLAT), thus suspending examination of compliance with this Convention until the Governing

Body adopts its conclusions on the matter. At its November 1995 Session, the Governing Body approved the report of the committee set up to examine this representation (copy attached in English, French and Spanish).

In its 1995 observation on the Equal Remuneration Convention, 1951 (No. 100), the Committee of Experts noted with satisfaction the inclusion of the principle of "work of equal value" in the new 1993 Labour Code, but asked the Government to indicate how other components of remuneration, apart from wages, are covered.

In its 1994 observation on the Hygiene (Commerce and Offices) Convention, 1964 (No. 120), the Committee of Experts noted that a draft national safety and health Act was before Congress; it trusted that the text would ensure the full application of the Convention and asked to be kept informed of the adoption of the text.

Article 8

There are four cases pending before the Governing Body Committee on Freedom of Association: Case No. 1783 which concerns the murder of a trade unionist and in which the CFA asked to be kept informed of the outcome of the judicial inquiry into the murder (300th Report, November 1995); No. 1790, concerning intrusion into the premises of an employers' association and confiscation of property, where the CFA asked the Government to carry out an inquiry and inform it of the outcome (300th Report, November 1995); Nos. 1811 and 1816 which concern death threats and dismissals based on trade union activities and in which the CFA also asked the Government to carry out an inquiry and to inform it of the results (300th Report, November 1995).

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The Committee of Experts furthermore addressed direct requests to Paraguay in 1994 on Conventions Nos. 1, 100 and 107, and in 1995 on Conventions Nos. 29 and 119.

UKRAINE

Information concerning Ukraine has not been supplied previously. Information on the Ukrainian SSR was supplied most recently in 1985.

The following relevant Conventions have been ratified and are in force for Ukraine (for full names see list of Conventions in Part II A above): Nos. 2, 11, 14, 16, 27, 29, 32, 47, 52, 73, 77, 78, 79, 87, 90, 98, 100, 103, 106, 111, 115, 119, 120, 122, 124, 138, 142, 154 and 158.

Article 6

In its 1994 observation on the Forced Labour Convention, 1930 (No. 29), the Committee of Experts noted with satisfaction that inconsistent provisions of the Penal Code, of various Orders of the Ukrainian SSR concerning persons leading a parasitic way of life had been repealed .

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The Committee of Experts furthermore addressed direct requests to Ukraine in 1993 on Convention No. 142, in 1994 on Conventions Nos. 29, 100 and 120, and in 1995 on Convention No. 52.

ANNEX

Index of countries and of relevant information supplied by the ILO since 1978

Country	Articles 6-9 (Document reference)	Article 10 (Document reference)
Afghanistan	E/1986/60 E/1989/6 E/1990/9 E/1991/4	-
Argentina	E/1995/5	E/1995/5
Australia	E/1979/33 E/1985/63	E/1981/41 E/1986/60
Austria	E/1988/6 E/1994/5	E/1981/41 E/1987/59
Barbados	E/1982/41	E/1982/41
Belgium	E/1994/63	E/1994/63
Bulgaria	E/1980/35 E/1985/63	E/1983/40 E/1988/6
Belarus, Republic of	E/1979/33 E/1985/63	E/1981/41 E/1987/59
Cameroon	-	E/1988/6
Canada	E/1982/41 E/1988/6 E/1989/6	E/1994/5
Chile	E/1979/33 E/1985/63	E/1981/41 E/1988/6
Colombia	E/1979/33 E/1985/63	E/1990/9
Costa Rica	E/1990/9 E/1991/4	E/1990/9

Country	Articles 6-9 (Document reference)	Article 10 (Document reference)
Cyprus	E/1979/33 E/1985/63	E/1981/41 E/1986/60 E/1989/6
Czech and Slovak Federal Republic	E/1979/33 E/1986/60	E/1981/41 E/1987/59
Denmark	E/1979/33 E/1985/63	E/1981/41 E/1987/59
Dominican Republic	E/1990/9 E/1991/4	E/1990/9 E/1991/4
Ecuador	E/1978/27 E/1985/63	E/1990/90 E/1991/4
Finland	E/1979/33 E/1985/63	E/1981/41 E/1986/60
France	E/1986/60	E/1989/6
German Democratic Republic	E/1978/27 E/1985/63	E/1981/41 E/1987/59
Germany, Federal Republic of	E/1979/33 E/1986/60	E/1981/41 E/1987/59
Hungary	E/1978/27 E/1985/63	E/1986/60
Iceland	E/1994/5	-
India	E/1986/60	-
Iran, Islamic Republic of	E/1978/27	E/1994/5
Iraq	E/1985/63	E/1981/41 E/1986/60
Italy	E/1982/41	-

Country	Articles 6-9 (Document reference)	Article 10 (Document reference)
Jamaica	E/1980/35 E/1989/6	E/1989/6
Japan	E/1985/63	E/1987/59
Jordan	E/1987/59	E/1987/59
Kenya	E/1994/63	E/1994/63
Luxembourg	E/1990/9	E/1990/9
Madagascar	E/1981/41 E/1985/63	E/1986/60
Mexico	E/1985/63 E/1994/5	E/1990/9 E/1994/5
Mongolia	E/1978/27 E/1985/63	E/1981/41 E/1987/59
Morocco	E/1994/63	E/1994/63
Netherlands	E/1989/6	E/1989/6
Netherlands (Antilles)	E/1987/59	-
New Zealand	E/1994/5	-
Nicaragua	E/1986/60	E/1994/5
Norway	E/1979/33 E/1985/63	E/1981/41 E/1988/6
Panama	E/1988/6 E/1989/6 E/1990/9 E/1991/4 E/1992/4	E/1981/41 E/1988/6 E/1989/6 E/1991/4
Peru	E/1985/63	-
Philippines	E/1978/27 E/1985/63	-

Country	Articles 6-9 (Document reference)	Article 10 (Document reference)
Poland	E/1979/33 E/1986/60	E/1981/41 E/1987/59 E/1989/6
Romania	E/1979/33 E/1985/63	E/1981/41 E/1988/6
Rwanda	E/1985/63 E/1989/6	E/1986/60
Senegal	E/1994/5	E/1981/41
Spain	E/1980/35 E/1985/63	E/1982/41 E/1986/60
Suriname	E/1995/5	E/1995/5
Sweden	E/1978/27 E/1985/63	E/1981/41 E/1987/59
Syrian Arab Republic	E/1980/35 E/1990/9 E/1992/4	E/1981/41 E/1990/9
Tanzania	-	E/1981/41
Trinidad and Tobago	E/1989/6	E/1989/6
Tunisia	E/1978/27	E/1988/6 E/1989/6
Ukrainian SSR	E/1979/33 E/1985/63	E/1982/41 E/1986/60
United Kingdom	E/1978/27 E/1985/63	E/1981/41 E/1991/4 E/1995/5
United Kingdom (Non-metropolitan territories)	E/1979/33 E/1985/63	E/1982/41

Country	Articles 6-9 (Document reference)	Article 10 (Document reference)
Uruguay	E/1994/5 E/1994/63	E/1994/63
USSR	E/1979/33 E/1985/63	E/1981/41 E/1987/59
Venezuela	E/1985/63	E/1986/60
Vietnam	E/1994/5	-
Yemen	E/1990/9 E/1991/4	E/1990/9 E/1991/4
Yugoslavia	E/1983/40 E/1985/63	E/1983/40
Zaire	E/1988/6	E/1988/6
Zambia	-	E/1986/60